

1 KATHRYN C. NEWMAN  
 2 Nevada Bar No. 13733  
 3 kathryn.newman@ogletree.com  
 4 OGLETREE, DEAKINS, NASH, SMOAK &  
 5 STEWART, P.C.  
 10801 W. Charleston Blvd., Suite 500  
 6 Las Vegas, NV 89135  
 Telephone: 702.369.6800  
 7 Fax: 702.369.6888

6 Attorneys for Defendant,  
 ORACLE AMERICA, INC.

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 8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 BRIAN HERTZ, an individual,  
 11 Plaintiff,  
 12 vs.  
 13 ORACLE AMERICA, INC., a Foreign  
 Corporation,  
 14 Defendant.

15 CASE NO.: 2:25-cv-00360-APG-DJA

16  
 17 **VERIFIED PETITION FOR**  
 18 **PERMISSION TO PRACTICE IN THIS**  
 19 **CASE ONLY BY ATTORNEY NOT**  
 20 **ADMITTED TO THE BAR OF THIS**  
 21 **COURT AND DESIGNATIN OF LOCAL**  
 22 **COUNSEL**

23 David D. Powell Jr., Petitioner, respectfully represents to the Court:

24 1. That Petitioner is an attorney at law and a member of the law firm of Garnett Powell  
 25 Maximon Barlow & Farbes with offices at 1125 17<sup>th</sup> Street, Suite 2200, Denver, Colorado  
 26 80202, (303) 991-3344, david.powell@garnettlegalgroup.com.

27 2. The Petitioner has been retained personally or as a member of the law firm by Defendant  
 28 Oracle America, Inc. to provide legal representation in connection with the above-entitled  
 case now pending before this Court.

29 3. That since November 14, 1986, Petitioner has been and presently is a member in good  
 30 standing of the bar of the highest Court of the State of Colorado where Petitioner regularly  
 31 practices law. Petitioner shall attach a certificate form the state bar or from the clerk of the  
 32 supreme court or highest admitting court of each state, territory, or insular possession of the

United States in which the applicant has been admitted to practice law certifying the applicant's membership therein is in good standing.

4. The Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts of other States on the dates indicated for each, and that Petitioner is presently a member in good standing of the bars of said Courts.

Court	Date Admitted	Bar Number
Colorado Supreme Court	November 14, 1986	16152
USDC Colorado	February 27, 1991	16152
USDC Wisconsin (Eastern)	February 7, 2005	16152

5. That there are or have been no disciplinary proceeding instituted against Petitioner, nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory or administrative body, or any resignation or termination in order to avoid disciplinary or disbarment proceeding, except as described in detail below: None.
6. The Petitioner has never been denied admission to the State Bar of Nevada.
7. The Petitioner is a member of good standing in the following Bar Associations: None.
8. Petitioner has filed applications to appear as counsel under Local Rule IA 11-2 (formerly LR IA 10-2) during the past three (3) years in the following matters: None.
9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of the attorneys to the same extent as a member of the State Bar of Nevada.
10. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.
11. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice

1 in this jurisdiction and that the client has consented to such representation.  
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3 That Petitioner respectfully prays that Petitioner be admitted to practice before this Court FOR  
4 THE PURPOSES OF THIS CASE ONLY.  
5

  
6 Petitioner's signature

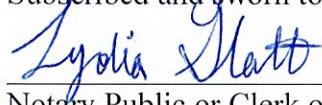
7 STATE OF COLORADO)  
8 )  
9 COUNTY OF DENVER )

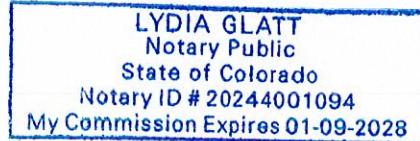
10 David D. Powell Jr., Petitioner, being first duly sworn, deposes and says:  
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12 That the foregoing statements are true.  
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14 Petitioner's signature

15 Subscribed and sworn to before me this 24 day of March, 2025.  
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17 Notary Public or Clerk of Court



**DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO THE BAR OF THIS  
COURT AND CONSENT THERETO.**

Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner believes it to be in the best interests of the client(s) to designate Kathryn C. Newman, Attorney at Law, member of the State of Nevada and previously admitted to practice before the above-entitled Court as associate resident counsel in this action. The address and email address of said designated Nevada counsel is:

Kathryn C. Newman  
Nevada Bar No. 13733  
kathryn.newman@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
10801 W. Charleston Blvd., Suite 500  
Las Vegas, NV 89135  
Telephone: 702.369.6800  
Fax: 702.369.6888

By this designation the petitioner and undersigned party(ies) agree that this designation constitutes agreement and authorization for the designated resident admitted counsel to sign stipulations binding on all of us.

## APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL

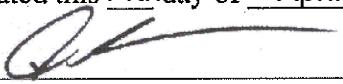
The undersigned Party appoints Kathryn C. Newman as his/her/their Designated Resident Nevada Counsel in this case. 

  
(Party's signature)

Lauren A. Polk SeCo, C.P.A.  
(Print party name, title) Counsel

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CONSENT OF DESIGNEE2  
The undersigned hereby consents to serve as associate resident Nevada counsel in this case.3  
  
4  
Designated Resident Nevada Counsel's  
5  
signature  
6  
Nevada Bar No. 13733  
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kathryn.newman@ogletree.com  
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10 APPROVED:

11 Dated this 14th day of April, 2025.  
12 UNITED STATE DISTRICT JUDGE  
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